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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 KIRK L. WILLIAMS,

9 Petitioner,

10 v.

11 JAMES KEY,

12 Respondent.  
13  
14

NO. C18-1012RSL

ORDER DENYING ADDITIONAL  
POST-JUDGMENT MOTION

15 This matter comes before the Court on petitioner’s “Motion for Relief[:] Equitable  
16 Tolling.” Dkt. # 53.<sup>1</sup> On August 22, 2019, the Court adopted the Report and Recommendation of  
17 the Honorable Michelle L. Peterson, dismissing the habeas petition as untimely and denying a  
18 certificate of appealability. Dkt. # 42. Petitioner’s motion to alter or amend the judgment was  
19 denied on September 26, 2019. Dkt. # 49.

20 In dismissing the habeas petition, the Court has already determined that the petition was  
21 untimely and that the record did not reveal any valid basis for equitable tolling of the one-year  
22 statute of limitations, and that petitioner was not entitled to a certificate of appealability. Dkt.  
23 # 37 and # 42. In his current request that the limitations period be equitably tolled, petitioner  
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26 <sup>1</sup> Petitioner’s “Application for Certificate of Appealability” (Dkt. # 50) has been forwarded  
27 directly to the Ninth Circuit for its consideration.

1 argues that he reasonably delayed filing his habeas petition while a civil action raising the same  
2 issues was pending before the Honorable John C. Coughenour. That case, captioned Williams v.  
3 Sampson, C17-0092JCC, was dismissed on statute of limitations grounds in April 2017.<sup>2</sup> Even if  
4 it were reasonable for petitioner to “wait for [his] other case [to be] resolved” (Dkt. # 53 at 2)  
5 before filing a habeas petition, he offers no justification for the fifteen month delay between the  
6 dismissal of the claims pending before Judge Coughenour and the filing of this petition.  
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9 Petitioner’s post-judgment motion is hereby DENIED. Petitioner has filed an appeal to  
10 the Ninth Circuit (Dkt. # 46) which is considering whether to grant his request for a certificate of  
11 appealability (Dkt. # 47) and now has jurisdiction over this matter. No further motions for  
12 reconsideration or to alter or amend the judgment will be considered by the undersigned.  
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14 Dated this 26th day of November, 2019.

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16 Robert S. Lasnik  
17 United States District Judge  
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24 <sup>2</sup> In Williams v. Sampson, petitioner tried to avoid application of the limitations period by  
25 arguing that he had timely asserted his claim in an even earlier civil action assigned to the Honorable  
26 Thomas S. Zilly, Williams v. Sampson, C14-0052TSZ. That case, however, was dismissed in May 2014  
27 for failure to state a claim, more than two years before he filed the lawsuit that was assigned to Judge  
28 Coughenour.